

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

INN FOODS INC,

No. C 07-00649 SI

Plaintiff,

**EXTENSION OF TEMPORARY  
RESTRAINING ORDER**

v.

TURNER MEAD LLC, and PAUL STEVEN  
MEAD, III,

Defendants.

On February 9, 2007, the Court issued a Temporary Restraining Order and Order to Show Cause, enjoining defendants from dispersing trust assets held by defendants pursuant to the Perishable Agricultural Commodities Act (PACA), 7 U.S.C. § 499e(c). The Court ordered plaintiff to immediately serve defendants with a copy of the Order and all related papers. The Court scheduled a hearing on plaintiff's motion for preliminary injunction for February 23, 2007, at 9:00 a.m. The Temporary Restraining Order was to remain in effect until the time of the preliminary injunction hearing.

On February 21, 2007, the Court received a letter from plaintiff informing the Court that it has yet to successfully serve defendants. Plaintiff's letter describes in detail the efforts to serve defendants, and states that plaintiff will continue trying to properly serve them. In light of its inability to serve defendants, plaintiff requests that the Court continue the hearing on its motion for preliminary injunction.<sup>1</sup>


Because defendants have not been served with the complaint or any other papers filed by

<sup>1</sup>Plaintiff also seeks "guidance" from the Court as to whether faxing copies of the papers to defendants' last known fax number is sufficient service. It is not. Plaintiff must serve defendants according to the standard procedures, as described in Federal Rule of Civil Procedure 5.

1 plaintiff, defendants would be unfairly prejudiced if a preliminary injunction hearing were held as  
2 scheduled. The Court therefore continues the preliminary injunction hearing for one week, until Friday,  
3 March 2, 2007, at 9:00 a.m. Pursuant to Federal Rule of Civil Procedure 65(b), the current  
4 circumstances constitute good cause for extending the Temporary Restraining Order an additional week,  
5 to the time of the re-scheduled preliminary injunction hearing. Plaintiff must also serve a copy of this  
6 Order, and all related papers, on defendants.

7  
8 **IT IS SO ORDERED.**

9  
10 Dated: February 24, 2007

  
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SUSAN ILLSTON  
United States District Judge